

# CONCORD TOWNSHIP BOARD OF TRUSTEES

October 9, 2024

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## Call to Order

The Concord Township Board of Trustees met in special session on Wednesday, October 9, 2024 at the Concord Township Administrative Building, 6385 Home Road, Delaware, OH 43015. Chairman Bart Johnson called the meeting to order at 5:30 p.m. The roll was called, and present were Trustees Bart Johnson, Joe Garrett, and Jason Haney. Also attending for the township were Fiscal Officer Jill Davis, Zoning Inspector Ric Irvine, Fire Chief Todd Cooper, and legal counsel Mr. Chris Rinehart. Public attendees were recorded on the attached list.

## Swearing In

The swearing in of meeting attendees was performed by the court reporter.

## Purpose

Mr. Johnson stated the purpose of the meeting was for the Board of Trustees to consider the re-zoning application #ZC022024, recommended for conditional approval by the Concord Township Zoning Commission Board, that was filed by Plan 4 Land LLC, 1 South Harrison Street, PO Box 306, Ashley, OH 43003. The Applicant is requesting approval for rezoning from Farm Residential (FR-1) to Planned Commercial District (PCD), and a preliminary development plan referred to as Emerald Farm, at 4910 State Route 257 South, Delaware, OH 43015, parcel #500-320-02-017-000 at 23.490+/- acres and parcel #500-320-02-016-000 at 18.350+/- acres, owned by Avasar LLC.

The Board of Trustees will vote by majority on the application to either approve, deny, or approve with modification. Chairman Johnson made a matter of record that the following requirements had been satisfied to hold this hearing: the Application, the legal notice, the sign-in sheet, the Notice of Denial from the Delaware County Regional Planning Commission, and the Recommendation of Conditional Approval with three conditions from the Concord Township Zoning Commission Board.

## Applicant Testimony

Mr. Joe Clase of Plan 4 Land, 1 South Harrison Street, Ashley, Ohio 43003, assisted by Attorney Steve Martin and clients Avasar LLC, presented the application for rezoning for Emerald Farm. (As a matter of record, Planned Commercial District Development Plan drawings 01-09 are incorporated into the minutes for reference as displayed on screen during the meeting.)

- As an overview, Mr. Clase first responded to the Delaware County Regional Planning Commission comments. They realize the Comprehensive Plan calls for no commercial in this area, but there is a restaurant nearby. The site was originally more agricultural use, but they decided it was better to redo the main facility (the horse barn) and limit to only weddings, all held and controlled through the development plan restrictions.
- The rest of the property will be agritourism as highlighted in the development plan.
- Mr. Clase noted this property is currently separately deeded from the 5.01 acres, mainly due to an ODOT request to only have one way in and out of a property, and the current access will be used for emergency access only and will be gated. Guests of the commercial property will not be exiting that emergency access driveway.
- The original plan started with smaller acreage (8.75 acres) but since they are bound to the development plan, they increased to this acreage.
- The commercial portion will share the parking and utilities with the agritourism area.
- There are adjacent buildings to the main building for a prep kitchen and storage.
- The main building will have a new access point and a left turn lane constructed along northbound State Route 257.
- There will be 100 parking spaces and the facility limited to 300 capacity.
- The existing house is proposed for offices and a hospitality center.

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- They worked with the engineer for retention basins placement, but may have to follow contour for final engineering.
- Mr. Johnson asked about the entrance on State Route 257 South. There is an old driveway will be re-used. No trees will be cleared, and it is already a drive.
- Subareas will be divided up for Area K (PCD) and individual uses are indicated on the other zones.
- Area Q will stay heavily wooded with existing trails maintained.
- Details around the main site: 360 access to building for fire access. The Landscape Plan contains a rendition of the front of the main area.
- Four types of plants will be added to existing growth, for 100% screening within four years, along with a six foot mound. The east tree line will be maintained for homes along State Route 257. No boundary trees will be removed.
- Existing structures will be maintained.
- Lighting will consist of two types along the path of the main entrance - all are LED and dark sky compliant for low impact.
- A maintenance agreement for the main house and secondary five acre lot are included.
- Mr. Johnson asked about the emergency access drive (current driveway) and which property owns it, access to the 5.01 acre out-lot, and easement for cross access. Mr. Steve Martin of Manor, Martin & Pergram Co, LPA, 50 North Sandusky Street, Delaware, Ohio, shared the following: the existing driveway exists and extends for seven other parcels. After a 65 year title search, most of them reference a 12' easement, but none reference maintenance of the driveway. A new easement and maintenance agreement has been created to address the issue between the properties, with the commercial entity to take responsibility once the zoning is received. Two secondary easements are within it, one for 40' on the boundary for the PCD zoning tract and one for the 40' for the existing drive. The trigger between the two is the blockage of the drive. Township legal counsel Mr. Rinehart commended Mr. Martin on the easement research.
- To comply with the fire department, the driveway needs some improvement, and the 5 acre tract will use the primary easement off SR257.
- Two gates are proposed for access points, which need to open for fire department. Mr. Martin noted the secondary easement through the commercial area can be used for access whenever needed; it is a perpetual easement. Mr. Garrett wants it in writing to always provide access if needed. Mr. Martin said the enforceability of the easement access is in the draft easement exhibit, section 7.
- The current drive is 12' wide, which will be widened to 16' to the 5 acre parcel, 20' at the 90-curve. Mr. Johnson said the drive up to the property requires an ODOT-approved surface. The applicant is asking for a divergence which is not acceptable; it must be asphalt or concrete, does not create dust, and is required in all commercial zoned areas for drives and parking lots. Mr. Clase said that will be identified in the engineering plan.
- Mr. Johnson likes the concept, not houses, and appreciates what they are trying to do.

### Public Comments

- Neighbor since 1955, Brett Allen, 4920 SR 257, heard about the development in April or May and thought it was only a commercial event center, which went from a few acres up to 18 then to 36 acres. He thought there would be no gate along the shared drive. He also wanted to clarify the drive wouldn't be widened past the 5 acre parcel. All correct. Mr. Garrett asked what has been the maintenance of the shared drive? Mr. Allen said a gentlemen's agreement, different owners bought gravel over the years. Mr. Johnson clarified the 5 acre parcel will own the shared drive, but the easement demands the commercial property to maintain the drive.
- Mr. Clase noted he did the plat for Retreat 21 in Union County and saw this as similar. The plan was okay for Union County but not Delaware County. The increase in size of the PCD up to 36 acres protects interest of the neighbors so no residential in the future. They will still need to seek ag exemption.
- Fire Chief Todd Cooper asked when arrive for an inspection and go to the commercial property, the business would be responsible for the drive maintenance, but can the fire

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department inspect since owned as a private drive? Mr. Martin verified the fire department has the right, and the easement wording is as close to a public street as possible. The easement agreement allows fire and zoning to force maintenance even if the business fails; ORC 519.24 gives standing to sue thereafter.

- Mr. Allen asked if homes will be built on the 5 acres? Mr. Clase said the development plan changed as they worked with zoning and ODOT, but one home could be built in the future. The Trustees commented there are already 7 parcels on the common access drive (CAD) so Regional Planning probably would not split the 5 acres based on their standard of 4 homes per CAD (currently); the 5 acres is a platted lot so it could be built upon.

- Mr. Rinehart noted more condensing is needed in the development plan ag section. The ag exemption does not need uses specified, and if they are specified in the development plan document, the applicant will be tied to those uses. They can designate ag exempt/proposed areas, but not specify the ag uses so can have flexibility later. Mr. Clase said areas K&L on the plan are the commercial areas, but the rest of the ag areas had a lot of thought and will probably be kept as labeled.

- Mr. Rinehart also mentioned the exhibits for legal description and survey will need updated for the 36.83 acres. He would like to meet with the planner next Thursday to work on the development plan. Mr. Martin also noted he needs a separate map room stamp of the 5 acres from Mr. Clase.

- Mr. Rinehart questioned the use of Area R designated hospitality. Mr. Chanakya Gandhi of Avasar, 8900 Lyra Drive, clarified the house will be for up to twelve guests to get ready for wedding events, no overnight stays, and needed to be included in the commercial area.

### Board of Trustee Comments

- Mr. Garrett asked about the parking lot size. Mr. Clase answered there will be 100 spaces for 300 capacity, downscaled from 240 spaces originally presented to Regional Planning. They could come back for more spaces later.

- Regarding outdoor noise, Mr. Clase said there will be signage onsite and no fireworks. Mr. Gandhi added he is from the wedding industry, and when the sun goes down, there will be no music outside, and decibel meters used even when indoors. That is the industry standard with other wedding venues.

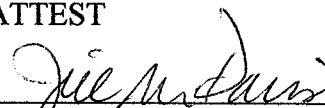
- Mr. Garrett asked if they will apply for a liquor permit, and they answered yes.

- Mr. Garrett said he was not a fan of the mound and would rather see rows of trees and undergrowth. Mr. Clase said the mound will actually block most of the building from the neighbors due to the height and they would have no view of the barn. Residents requested. Mr. Gandhi said they love the trees along the property and are willing to add more.

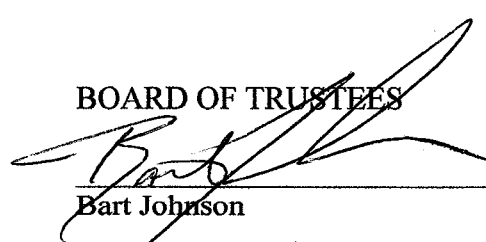
- Mr. Rinehart asked if the applicant could have an updated development plan by Monday, October 21.

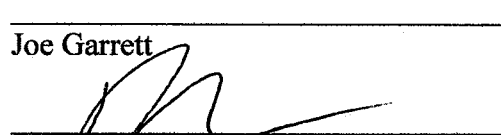
Mr. Clase requested a continuation. Mr. Haney moved and Mr. Garrett seconded to hold the continuation meeting on October 23, 2024 at 6:00pm and to waive the continuation fee due to open questions on both sides. Vote: Haney-yes, Garrett-yes, Johnson-yes. Mr. Garrett noted he will not be able to attend.

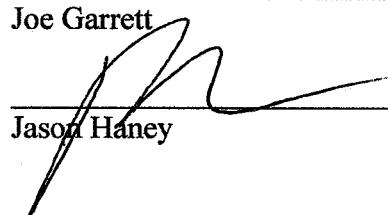
ATTEST

  
Fiscal Officer, Jill Davis

BOARD OF TRUSTEES

  
Bart Johnson

  
Joe Garrett

  
Jason Haney